

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 28403 OF 2009

Between:

M/s. Trinethra Superretail Pvt. Ltd., / MORE, Rep. by its Company Secretary Mr. Vinod Kumar Saraf, having its Registered Office at Unit # 4B and C, # 6-3-596/2, ROCKDALE, Somajiguda, Hyderabad - 500 082.

.....PETITIONER

AND

1. The Greater Hyderabad Municipal Corporation, Rep. by its Additional Commissioner (Advt) CC Complex, Tank Bund Road, Hyderabad - 500 083.
2. M/s. USM Business Systems Private Ltd., 1-8-319/2, Patigadda Road, Begumpet, Secunderabad - 03.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to grant an order, direction or writ more in the nature of Writ of Mandamus, declaring the action of the respondents 1 and 2 in levying assessing and demanding the disputed advertisement fee of Rs.7,72,225/- vide the impugned notices being notice No.949 against S.No.47401 to 47404 dated 30-5-2009 notice No. 840 against S.No. 41951 to 41956, 41958 to 41959, 41961 to 41965, 41972 to 41989, 41992 to 41994 and 41997 Notice No.735 against S.No.36702 to 36713, 36716 to 36736, 36738 to 36746, 36749, 36750 Notice No. 773 against S.No. 38620 to 38622 and 38626 to 38628 under Section 421 and 622 of the GHMC Act, 1955 and collecting the said amount through coercive

steps as being without jurisdiction arbitrary, illegal and violative of Article 265 of the Constitution of India and consequently direct the respondents Nos. 1 and 2 herein jointly and severally to refund the amount of Rs. 7,72,225/- collected from this petitioner under receipt No. 16952 of Book No. 340 dated 20-8-2009.

I.A.NO:1 OF 2009 (WPMP.NO:36972 OF 2009)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the impugned demand notices Nos. Notice No. 949 against S.No. 47401 to 47404 dated 30-5-2009; notice No. 840 against S.No. 41951 to 41956, 41958 to 41959, 41961 to 41965, 41972 to 41989, 41992 to 41994 and 41997; Notice No. 735 against S.No. 36702 to 36713, 36716 to 36736, 36738 to 36746, 36749, 36750; Notice No. 773 against S.No. 38620 to 38622 and 38626 to 38628, including the recovery of the alleged penalty amount payable on the disputed advertisement fee or any other amount towards advertisement fee from the petitioner by the respondents.

Counsel for the Petitioner : SRI ASHOK RAM'KUMAR

Counsel for the Respondent No.1 : SRI L.VENKATESHWARA RAO, SC FOR GHMC

Counsel for the Respondent No.2 : --

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.28403 of 2009

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Ashok Ram Kumar, learned Senior Counsel for the petitioner.

2. In this writ petition, the petitioner has prayed for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to grant an order, direction or writ more in the nature of Writ of Mandamus declaring the action of the respondents 1 and 2 in levying, assessing and demanding the disputed advertisement fee of Rs.7,72,225/- vide the impugned notices being notice No.949 against S.No.47401 to 47404 dated 30.5.2009; Notice No.840 against S.No.41951 to 41956, 41958 to 41959, 41961 to 41965, 41972 to 41989, 41992 to 41994 and 41997; Notice No.735 against S.No.36703 to 36713, 36716 to 36736, ~~36738~~ to 36746, 36749, 36750;

Notice No.773 against S.No.38620 to 38622 and 38626 to 38628 under Section 421 and 622 of the GHMC Act, 1955 and collecting the said amount through coercive steps as being without jurisdiction, arbitrary, illegal and violative of Article 265 of the Constitution of India and consequently direct the respondents Nos.1 and 2 herein jointly and severally to refund the amount of Rs.7,72,225/- collected from this petitioner under receipt No.16952 of Book No.340 dated 20.8.2009 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. Learned Senior Counsel for the petitioner submits that the petitioner has been wound up and is no longer in existence.
4. In view of the aforesaid subsequent event, which has taken place during the pendency of the writ petition, the issue involved in the writ petition has been rendered academic.
5. The writ petition is accordingly dismissed as infructuous.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI ASHOK RAM KUMAR, Advocate [OPUC]
2. One CC to SRI L.VENKATESHWARA RAO, SC FOR GHMC [OPUC]
3. Two CD Copies

SA
BSK

HIGH COURT

DATED:21/08/2024



ORDER

WP.No.28403 of 2009

**DISMISSING THE W.P
AS INFRUCTUOUS WITHOUT COSTS.**

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21/9/24